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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,768	01/23/2001	David R. Hanson	MSFT-0234/155631.1	2726

7590 08/03/2004

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EXAMINER	
ROCHE, TRENTON J	

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/767,768	HANSON, DAVID R.	
	Examiner	Art Unit	
	Trent J Roche	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to Amendment A filed 27 April 2004.

2. Per applicant's request, amended claims 1, 2, 4, 9 and 15-18 have been entered. Claims 1-18 are now pending.

3. Claims 1-18 have been examined.

Specification

4. The prior office action objected to the specification for containing embedded hyperlinks and/or other forms of browser-executable code. MPEP § 608.1, section titled *Hyperlinks and Other Forms of Browser-Executable Code in the Specification*, outlines the intended rational behind this objection. However, MPEP § 608.1 states: "Where the hyperlinks and/or other forms of browser-executable codes are part of applicant's invention and it is necessary to have them included in the patent application in order to comply with the requirements of 35 U.S.C. 112, first paragraph, and applicant does not intend to have these hyperlinks be active links, examiners should not object to these hyperlinks. The Office will disable these hyperlinks when preparing the text to be loaded onto the USPTO web database." In light of this and the content of the specification, the object to the specification has been withdrawn.

Claim Rejections - 35 USC § 112

5. The rejections of claims 7, 8, 16 and 17 under 35 U.S.C § 112 1st paragraph have been withdrawn.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-6, 9-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,279,151 to Breslau et al in view of Reading CGI Data: url-encoding and the CGI protocol by Morton.

Regarding claim 1:

Breslau et al teach:

- a computer-based method for compiling a source code file on a client computer ("a computer language compiler for translating a computer source program into an executable..." in col. 2 lines 45-47)
- the source code file being stored on a remote server computer and being accessible via web protocols ("a World Wide Web (WWW) uniform resource locator (URL) of a non-connected system that contains the libraries, source code, etc..." in col. 3 lines 2-4)
- accepting a manually specified compile command, the compile command including a set of parameters, the set of parameters including an identifier corresponding to the source code (Note Fig. 4A, items 400 and 401 and the corresponding sections of the disclosure)
- executing a compile procedure correspond to the compile command, the compile procedure effecting conversion of the source code file into a file executable on the client computer

(Note Fig. 4A – 4D and the corresponding sections of the disclosure. The compile procedure is described.)

- wherein step of executing the compile procedure including downloading the source code file from the remote server computer to the client computer using web protocols (Note Fig. 4B and the corresponding section of the disclosure)
- without executing a manually specified download command (Note Fig. 4B, items 414 and 415 and the corresponding section of the disclosure)

substantially as claimed. Breslau et al do not explicitly disclose the identifier corresponding to the source code comprising an identifier of executable code, and downloading the source code file comprises transmitting to the remote server the identifier corresponding to executable code and at least one parameter used by the executable code to identify source code. Morton discloses that it was well known in the art at the time the invention was made to use a URL to point to an executable CGI script along with parameters used by the executable script ("If you append a question mark (?) to the url of your script, then any characters after the question mark will be passed to your script..." on pages 1 and 2, section titled The Query_String and Method Get). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the URL specified in the system disclosed by Breslau et al to point to an executable script, as described by Morton, as this would allow a user to access remote source code files which are stored in a database by specifying parameters to a CGI script.

Regarding claim 2:

The rejection of claim 1 is incorporated, and further, Breslau et al disclose "C" source code as claimed ("a source language such as C++" in col. 1 line 23. The C language specification is comprised in C++.)

Regarding claim 3:

The rejection of claim 1 is incorporated, and further, Breslau et al disclose an identifier being a URL as claimed ("a World Wide Web (WWW) uniform resource locator (URL) of a non-connected system that contains the libraries, source code, etc..." in col. 3 lines 2-4)

Regarding claim 4:

Breslau et al teach:

- a computer-based method for executing an application on a client computer, the application functioning to process file data stored on a remote server computer, the file data stored on a remote server computer being accessible via web protocols ("a computer language compiler for translating a computer source program into an executable object program and contemplates a method and apparatus for operating the compiler to process include statements..." in col. 2 lines 45-49. Further, "a World Wide Web (WWW) uniform resource locator (URL) of a non-connected system that contains the libraries, source code, etc..." in col. 3 lines 2-4)
- accepting a manually specified execute command, the execute command including a set of parameters, the set of parameters including an identifier corresponding to the file data (Note Fig. 4A, items 400 and 401 and the corresponding sections of the disclosure)

- executing a procedure corresponding to the execute command, the procedure manipulating the file data on the client computer ("a computer language compiler for translating a computer source program into an executable object program and contemplates a method and apparatus for operating the compiler to process include statements..." in col. 2 lines 45-49)
- without executing a manually specified download command (Note Fig. 4B, items 414 and 415 and the corresponding section of the disclosure)

substantially as claimed. Breslau et al do not explicitly disclose transmitting to the remote server computer an identifier of executable code and at least one parameter used by the executable code to derive the file data. Morton discloses that it was well known in the art at the time the invention was made to use a URL to point to an executable CGI script along with parameters used by the executable script ("If you append a question mark (?) to the url of your script, then any characters after the question mark will be passed to your script..." on pages 1 and 2, section titled The Query_String and Method Get). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the URL specified in the system disclosed by Breslau et al to point to an executable script, as described by Morton, as this would allow a user to access remote files which are stored in a database by specifying parameters to a CGI script.

Regarding claim 5:

The rejection of claim 4 is incorporated, and further, note the rejection regarding claim 3.

Regarding claim 6:

The rejection of claim 4 is incorporated, and further, Breslau et al teach a compiler as claimed ("a computer language compiler..." in col. 2 lines 45-46)

Regarding claim 9:

Breslau et al teach:

- a computer system including a processor, memory associated with the processor, and a storage medium capable of storing a data file (Note Fig. 1 and the corresponding section of the disclosure)
- the data file having a corresponding file identifier (Note Fig. 1, item 104 and the corresponding section of the disclosure)
- an application software component comprised of instructions in the memory and executable by the processor, the application software component functioning to process the data file (Note Fig. 3 and the corresponding section of the disclosure)
- an I/O software component comprised of instructions in the memory and executable by the processor, the I/O software component functioning to accept the file identifier, to determine whether the file identifier is a URL and, if so, to retrieve the data file from a remote server using the file identifier and, if not, to retrieve the data file from the storage medium using the file identifier (Note Figures 3 and 4A and the corresponding sections of the disclosure)

substantially as claimed. Breslau et al do not explicitly disclose the file identifier identifying executable code, wherein said I/O software component functioning to retrieve the data file from the remote server using the file identifier operates by transmitting to the remote server said file identifier with at least one parameter, said at least one parameter being executable by the executable code

identifier by said file identifier. Morton discloses that it was well known in the art at the time the invention was made to use a URL to point to an executable CGI script along with parameters used by the executable script ("If you append a question mark (?) to the url of your script, then any characters after the question mark will be passed to your script..." on pages 1 and 2, section titled The Query_String and Method Get). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the URL specified in the system disclosed by Breslau et al to point to an executable script, as described by Morton, as this would allow a user to access remote source code files which are stored in a database by specifying parameters to a CGI script.

Regarding claim 10:

The rejection of claim 9 is incorporated, and further, Breslau et al disclose source code corresponding to the I/O software component as claimed (Note Fig. 3, item 104 and the corresponding section of the disclosure)

Regarding claim 11:

The rejection of claim 9 is incorporated, and further, Breslau et al disclose an Operating System I/O API as claimed ("to store the source libraries distributed with compilers and product application program interfaces (APIs)" in col. 2, lines 7-9)

Regarding claim 12:

The rejection of claim 11 is incorporated, and further, Breslau et al disclose a Windows operating system as claimed ("In an OS/2®, Window®, or DOS environment..." in col. 1 lines 60-61)

Regarding claim 13:

The rejection of claim 12 is incorporated, and further, Breslau et al disclose a Windows environment ("In an OS/2®, Window®, or DOS environment..." in col. 1 lines 60-61). However, Breslau et al do not explicitly disclose a Windows 2000 operating system as claimed. Official Notice is taken that at the time the invention was made, Windows 2000 was a common operating system well known to one of ordinary skill in the art. As such, one of ordinary skill in the art at the time the invention was made would choose to utilize Windows 2000 as the operating environment for the system disclosed by Breslau et al for the purposes of utilizing the invention disclosed by Breslau et al on the more recent operating system environment available at the time.

Regarding claim 14:

The rejection of claim 13 is incorporated, and further, Breslau et al disclose a hard disk drive as claimed ("the include files must reside on either a local drive..." in col. 1 lines 55-56)

Regarding claim 15:

The rejection of claim 9 is incorporated, and further, note the rejection regarding claim 6.

Regarding claim 18:

Breslau et al teach:

- a computer-readable storage medium used in a computer system having a processor, memory associated with the processor and a storage device having a data storage medium, the computer-readable storage medium having instructions capable of being executed by the processor (Note Fig. 1 and the corresponding section of the disclosure)

- accepting a file identifier corresponding to a data file (Note Fig. 4A, items 400 and 401 and the corresponding sections of the disclosure)
- determining whether the file identifier is a URL and, if so, retrieving the data file from a remote server using the file identifier and, if not, retrieving the data file from the data storage medium using the file identifier (Note Fig. 4A and the corresponding sections of the disclosure)

substantially as claimed. Breslau et al do not explicitly disclose the file identifier identifying executable code and retrieving the data file from a remote server comprises transmitting the file identifier and at least one parameter for executing the executable code. Morton discloses that it was well known in the art at the time the invention was made to use a URL to point to an executable CGI script along with parameters used by the executable script ("If you append a question mark (?) to the url of your script, then any characters after the question mark will be passed to your script..." on pages 1 and 2, section titled The Query_String and Method Get). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the URL specified in the system disclosed by Breslau et al to point to an executable script, as described by Morton, as this would allow a user to access remote source code files which are stored in a database by specifying parameters to a CGI script.

8. Claims 7, 8, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,279,151 to Breslau et al in view of Reading CGI Data: url-encoding and the CGI protocol by Morton, further in view of U.S. Patent 6,654,794 to French.

Regarding claim 7:

The rejection of claim 4 is incorporated, and further, Breslau et al do not explicitly disclose the application being a word processor. French discloses in an analogous remote file inclusion system a client application consisting of a word processor ("a client application, which may comprise, for example, a word processing...program" in col. 4 line 66-67 to col. 5 line 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the remote file inclusion methods of Breslau et al with the word processor application of French, as this would enable a user to access documents at a centralized location, thereby reducing the amount of local storage space needed on the client device disclosed by Breslau et al.

Regarding claim 8:

The rejection of claim 4 is incorporated, and further, Breslau et al do not explicitly disclose the application being a financial tracking software. French discloses in an analogous remote file inclusion system a client application consisting of a database program ("a client application, which may comprise, for example, a...database program" in col. 4 line 66-67 to col. 5 line 1. A financial tracking program accesses databases, and as such is considered a database program.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the remote file inclusion methods of Breslau et al with the database application of French, as this would enable a user to access documents at a centralized location, thereby reducing the amount of local storage space needed on the client device disclosed by Breslau et al.

Regarding claim 16:

The rejection of claim 9 is incorporated, and further, note the rejection regarding claim 7.

Regarding claim 17:

The rejection of claim 9 is incorporated, and further, note the rejection regarding claim 8.

Response to Arguments

9. Applicant's arguments filed 27 April 2004 have been fully considered but they are not persuasive.

Per claims 1-6, 9-12 and 18:

The applicant states that Breslau et al do not teach or suggest the newly added limitation regarding an application receiving and passing to a remote server and identifier identifying executable code and parameters that can be executed by the executable code at the remote server. Applicant's arguments with respect to claims 1-6, 9-12 and 18 have been considered but are moot in view of the new ground(s) of rejection. It is noted that Morton discloses that at the time the invention was made, it was well known in the art to use a URL to specify remote executable code along with the passing of parameters with the URL to the executable code. Accordingly, the rejections of claims 1-6, 9-12 and 18 are proper and maintained.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (703)305-4627. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche
Examiner
Art Unit 2124

TJR

ANIL KHATRI
PRIMARY EXAMINER